



TOWN OF UPTON, MASSACHUSETTS

Annual Town Meeting 2 May 2019 Warrant

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in Elections and in Town affairs, to meet in the Auditorium at said Nipmuc Regional High School, 90 Pleasant Street, Upton, MA on Thursday, May 2, 2019 punctually at Seven o'clock in the evening, to act on the Articles in the warrant.

ARTICLE 1: To hear reports of all Town Officers and Appointed Committees; or, to take any other action relative thereto.

Explanation/
Submitted by: Town Reports/Board of Selectmen

ARTICLE 2: To see if the Town will vote to fix the salaries and compensation of all officers of the Town as provided by M.G.L. Chapter 41, §108, and to raise and appropriate or transfer from available funds¹, such sums as may be necessary to defray expenses of the Town Departments for FY 2020; or, to take any other action relative thereto.

Explanation/
Submitted by: Annual Town Operating Budget/Board of Selectmen

Recommendation: Favorable Action Finance Committee

ARTICLE 3: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Water Enterprise Fund as set forth below for FY 2020; or, to take any other action relative thereto.

That the following sums be appropriated for the Water Enterprise Fund:

Wages & Salaries	\$251,697
Expenses	355,184
Capital Outlay	100,000
Debt	278,663
Extra/Unforeseen	50,000
Total	\$ 1,035,544

And that **\$1,035,544.00** be raised for such purposes as follows:

¹ Note that this warrant uses the words "transfer from available funds" to refer to transfers from Free Cash (previously described as "appropriate from available unappropriated funds in the Town Treasury") and/or transfers from appropriations made at prior Town Meetings (previously described as "transfer").

Department receipts	\$746,212
Retained Earnings	150,000
*Tax Levy	139,332
Free Cash	-0-

*(NOTE: As raised and appropriated under Article 2)

Explanation/

Submitted by: Annual budget for Water Enterprise Fund/Board of Selectmen

Recommendation: Favorable Action Finance Committee

ARTICLE 4: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Wastewater Enterprise Fund as set forth below for FY 2020; or, to take any other action relative thereto.

That the following sums be appropriated for the Wastewater Enterprise Fund:

Wage & Salaries	\$ 237,958
Expenses	341,623
Capital Outlay	100,000
Debt	8,363
Extra/Unforeseen	30,000

Total **\$717,944**

And that **\$717,944** be raised for such purposes as follows:

Department receipts	\$ 583,762
Retained Earnings	130,000
Tax levy	4,182*
Free cash	-0-

*(NOTE: As raised and appropriated under Article 2)

Explanation/

Submitted by: Annual budget for Wastewater Enterprise Fund/Board of Selectmen

Recommendation: Favorable Action Finance Committee

ARTICLE 5: To see if the Town will vote to establish a new annual spending limit for FY 2020 for the Recreation Revolving Fund established under Section 6 of Title 2, Chapter 25, of the General Bylaws, in accordance with M.G.L. Chapter 44, §53E½, with such expenditure limit to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 in any year, to change the same for the ensuing fiscal year; provided, however, that at the request of the Recreation Commission, the Board of Selectmen, with the approval of the Finance Committee, may increase such limit, for that fiscal year only; or to take any other action relative thereto.

Authorized Revolving Funds (G.L. c.44, §53E ½)	Fiscal Year Expenditure Limit
Recreation Commission	\$260,000

**Explanation/
Submitted by:** To approve a new spending limit for the Recreation Commission revolving fund, to be applicable from year to year unless later changed by Town Meeting. No other changes are intended to the expenditure limits for other revolving funds previously approved by Town Meeting/Board of Selectmen.

Recommendation: Favorable Action Finance Committee

ARTICLE 6: Withdrawn

ARTICLE 7: To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of Two Hundred Thousand dollars (\$200,000), or any other sum, into the Stabilization Fund; or to take any other action relative thereto.

**Explanation/
Submitted by:** The Government Finance Officers Association recommends that municipalities maintain a stabilization account equal to or greater than two to three months of its operating expense or a minimum of 10%; bond ratings agencies review these ratios as a measure of financial strength; the Stabilization Account may be used for any legal purpose, including to maintain level services during difficult economic times or to serve as a funding source for important capital projects/Finance Committee

Recommendation: Favorable Action Finance Committee

ARTICLE 8: To see if the Town will vote to accept and expend such sum or sums of money allotted or to be allotted to the Town from the Commonwealth of Massachusetts under the provisions of M.G.L. Chapter 90 or under any other state roadway reimbursement programs for FY 2020, and to authorize the Board of Selectmen to enter into a contract or contracts with the Massachusetts Department of Transportation Highway Division for such purposes; and further, to authorize the Treasurer with the approval of the Board of Selectmen, to borrow in anticipation of 100% reimbursement of said amounts; or, to take any other action relative thereto.

**Explanation/
Submitted by:** Annual road repair appropriation from the State/Board of Selectmen

Recommendation: Favorable Action Finance Committee

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, the sum of Five Hundred and Forty Six Thousand dollars (\$546,000), or, any other sum, to be used for the construction and/or improvement of Town Roads to supplement those provided for under the Commonwealth of Massachusetts M.G.L. Chapter 90 Program; or, to take any other action relative thereto.

Explanation/

Submitted by: To provide for supplemental funding to address road repairs as called for in the Town's pavement management plan/Board of Selectmen.

Recommendation: Favorable Action Finance Committee/Capital Budget Committee

ARTICLE 10:

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Two Hundred Thousand dollars (\$200,000) to fund the snow and ice deficit for FY 2019; or, to take any other action relative thereto.

Explanation/

Submitted by: This article is to fund additional costs for the removal of snow and ice in Upton/Board of Selectmen

Recommendation: Favorable Action Finance Committee

ARTICLE 11:

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of One Hundred Thousand dollars (\$100,000), or any other sum, to the Other Post-Employment Benefits Liability Trust Fund established under Article 38 of the 2011 Annual Town Meeting, to meet the Town's obligations under standards set by the Government Accounting Standards Board (GASB) to fund the Town's future obligations for the cost of other post-employment benefits identified by the GASB; or, to take any other action relative thereto.

Explanation/

Submitted by: To add monies to the trust fund created to meet the Town's future OPEB obligations/Board of Selectmen

Recommendation: Favorable Action Finance Committee

ARTICLE 12 A:

To see if the Town will vote to act on the report of the Community Preservation Committee on the FY 2020 community preservation budget, and to appropriate the sum of Fifteen Thousand dollars (\$15,000), or any other amount, from the Community Preservation Fund FY 2020 estimated annual revenues to the Community Preservation Committee Administrative Expense Account (2400-620-5700-5700) for all necessary and proper administrative expenses of the Committee for FY 2020; or, to take any other action relative thereto.

Explanation/

Submitted by: To transfer an amount from estimated annual revenues for the administrative and operating costs of the Community Preservation Committee for FY 2020. /Community Preservation Committee.

Recommendation: Favorable Action Finance Committee

ARTICLE 12 B: Withdrawn

ARTICLE 12 C: To see if The Town will vote to transfer from the Community Preservation Fund FY 2019 CPA Trust Fund matching revenues of \$161,526 the sums set forth below to the following Community Preservation Fund reserve accounts to meet the requirements of M.G.L.c.44B 6:

- Historic Resources Account - \$16,152.60
- Open Space Account - \$16,152.60
- Community Housing Account - \$16,152.60

and to place any remaining FY2019 CPA Trust Fund matching revenues in a so-called “FY2019 Undesignated Budgeted Reserve”, or, to take any other action relative thereto.

Explanation/

Submitted by: To transfer 10% of CPA Matching Trust Funds to Reserve Accounts /Community Preservation Committee.

Recommendation: Favorable Action Finance Committee

ARTICLE 13: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of the sum of Eleven Thousand dollars (\$11,000), or any other sum, for use by the Board of Assessors for recertification work required to comply with state law; or, to take any other action relative thereto.

Explanation/

Submitted by: The requested appropriation would allow the Board of Assessors to carry out its on-going statutory responsibilities to reevaluate Town properties/Board of Assessors

Recommendation: Favorable Action Finance Committee

ARTICLE 14: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Five Thousand dollars (\$5,000), or any other sum, to supplement the Town’s “Conservation Fund”; or, to take any other action relative thereto.

Explanation/

Submitted by: To provide additional funding for the Town’s Conservation Fund /Conservation Commission.

Recommendation: Favorable Action Finance Committee

ARTICLE 15: To see if the Town will vote to accept as public ways the altered layouts of North Main Street and Forest Street, to include within the layout of North Main Street a permanent easement in a parcel of land shown as 8-T and within the layout of Forest Street a permanent easement in a parcel of land shown as 7-T, both shown on a plan on file with the Town Clerk entitled “Massachusetts Department of Transportation Highway Division Plan and Profile of High Street and Hopkinton Road Phase 1 in the Town of Upton”, dated December 26, 2018, prepared by BETA, Inc., as said plan may be amended; and to authorize the Board of Selectmen to acquire, by gift, purchase, eminent domain or otherwise, permanent

easements to use such parcels of land for all purposes for which public ways are used in the Town of Upton; or, to take any other action relative thereto.

**Explanation/
Submitted by:**

The proposed article is necessary to allow the Board of Selectmen to act on the Town's behalf in acquiring the permanent easements for intersection improvements at School/North Main Street and Hopkinton Road/Forest Street as it relates to the TIP project/Board of Selectmen

Recommendation: N/A

ARTICLE 16:

To see if the Town will vote to transfer from available funds the sum of Two Thousand dollars (\$2,000) for FY 2019, or any other sum, to make the initial payment of a 3-year contract for assessing services for the Town; or, to take any other action relative thereto.

**Explanation/
Submitted by:**

Funds will be used to pay the first payment due for the assessing contract in Fiscal Year 2019/Board of Assessors

Recommendation: Favorable Action Finance Committee

ARTICLE 17:

To see if the Town will vote to amend the General By-laws, Section 1 of Chapter 9, Capital Budget Committee, Title 2, by increasing the size of the Committee from five to seven members, with underlined text to be inserted and text to be deleted shown with strikethrough, as follows:

A Committee to be known as the Capital Budget Committee shall be established, composed of one member of the Town Finance Committee appointed by and from it, one member of the Planning Board appointed by and from it, and five ~~three~~ additional members to be appointed by the Board of Selectmen. The members from the Finance Committee and the Planning Board shall be appointed for one-year terms. The other members shall be appointed for three-year rotating terms ~~such that one will expire each year~~. Vacancies shall be filled for the unexpired terms in the manner of the original appointments.

Provided, further, that to implement the vote taken hereunder, following the effective date of this bylaw the Board of Selectmen shall, in addition to filling any expiring terms or vacancies, appoint one new member for a three-year term and one new member for a two-year term; or, to take any other action relative thereto.

**Explanation/
Submitted by:**

To amend the General Bylaws to authorize the Board of Selectmen, to appoint five members rather than three members to the Capital Budget Committee/Capital Budget Committee.

Recommendation: N/A

ARTICLE 18: To see if the Town will vote to raise and appropriate or; transfer from available funds, the sum of Five Thousand dollars (\$5,000), or any other sum, to survey and record land donated to the Town on Brooks Street, including all expenses incidental and related, or, to take any other action relative thereto.

Explanation/
Submitted by: In 2017, the Town accepted a portion of land donated by the Desjardins family at the end of Brooks Street. This land will be used by the Department of Public Works to create a turnaround at the end of the street upon final completion of the resurfacing of this public way. Funds are necessary in order to complete the final survey of said boundaries and to file and record this land with the registry of deeds/Board of Selectmen

Recommendation: Favorable Action Finance Committee

ARTICLE 19: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Five Hundred Seventy-Five Thousand dollars (\$575,000), or any other sum, to purchase and equip a Rescue Pumper truck, including all incidental and related expenses; or, to take any other action relative thereto.

Explanation/
Submitted by: Rescue 1 is a 1992 International truck that is 26 years old with over 2,600 engine hours and 15,500 miles. The truck carries a variety of tools, equipment and lighting used at emergency incidents. The primary use of this truck is at motor vehicle crashes where the Jaws of Life and other equipment are used. The truck carries no water, has no pump, tank or fire hose and cannot be used to fight a fire like a fire engine. Thus, a fire engine is also required to respond to even minor crashes to prevent or extinguish a vehicle fire. This creates a need for additional firefighters and contributes to additional costs associated with responding to motor vehicle crashes. Due to its age and outdated capability it is recommended that it be replaced with a new rescue/pumper truck/Fire Department

Recommendation: Favorable Action Finance Committee/Capital Budget Committee

ARTICLE 20: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Fourteen Thousand dollars (\$14,000), or any other sum, to purchase 4 sets of personal protective firefighter gear, also known as “PPE”, including all incidental and related expenses; or, to take any other action relative thereto.

Explanation/
Submitted by: NFPA 1851, Standard on Selection, Care and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, states that all “ensembles and ensemble elements shall be retired...no more than 10 years from the date the ensembles or ensemble elements were manufactured.” This includes helmets, hoods, coats, pants, gloves, and boots. The intention of the department is to begin a long term and ongoing replacement plan so that turnout gear will meet this standard at all times/Fire Department

Recommendation: Favorable Action Finance Committee/Capital Budget Committee

ARTICLE 21: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Ten Thousand dollars (\$10,000), or any other sum, for comprehensive codification of the Town's General and Zoning Bylaws including all expenses incidental and related; or, to take any other action relative thereto.

**Explanation/
Submitted by:**

The Town of Upton wishes to undertake a comprehensive review and updating of the General Bylaws and the Zoning Bylaws, and include all legislation of a general and permanent nature through November 2017. The scope of services is to include research; editorial and legal review to identify conflicts, inconsistencies and other problem areas in need of updating or correction; the incorporation of any necessary revisions; the creation of an index; the preparation of Code adoption legislation and a disposition list to document the final disposition of all Code-relevant legislation; which shall be fully searchable and online/Town Clerk

Recommendation: Favorable Action Finance Committee

ARTICLE 22: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Sixteen Thousand dollars (\$16,000), or any other sum, to purchase 2 State-approved election tabulators, including all expenses incidental and related; or, to take any other action relative thereto.

**Explanation/
Submitted by:**

The current election tabulators were purchased in 2003 and are 16 years old. The vendor can no longer supply replacement parts for the machines. With this funding, 2 updated and State-approved election tabulators will be purchased.

Recommendation: Favorable Action Finance Committee/Capital Budget Committee

ARTICLE 23: To see if the Town will vote to raise and appropriate, transfer from available funds, the sum of Twelve Thousand dollars (\$12,000), or any other sum, to fund and implement the cost items of the first fiscal year (2019) of the collective bargaining agreement between the Town of Upton and the Teamsters, Local #170, Department of Public Works Truck Driver's for the period of July 1 2018 through June 30, 2021; or, to take any other action relative thereto.

**Explanation/
Submitted by:**

To fund the cost items in the first fiscal year of the DPW Truck Driver's three-year collective bargaining agreement/Public Works

Recommendation: Favorable Action Finance Committee/Capital Budget Committee

ARTICLE 24: Withdrawn

ARTICLE 25: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Sixteen Five Hundred Ninety-Two Dollars (\$16,592), or any other sum, to purchase and equip a grass mower, including all expenses incidental and related; or, to take any other action relative thereto.

**Explanation/
Submitted by:**

The Parks & Cemetery Division currently utilizes 2 mowers for maintaining approximately 28 acres of athletic fields & cemeteries, the grounds at the Police Department, Fire Department, Town Hall, Library, and Town Common. The mowers are commercial grade, designed to cut and disperse large areas of grass more quickly and efficiently regardless of conditions. Use of these mowers allows fewer people to perform more work. The Town seeks to replace one of the existing mowers, a machine purchased in 2005 that is already about 4 years past its life expectancy/Public Works

Recommendation: Favorable Action Finance Committee/Capital Budget Committee

ARTICLE 26:

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow Three Hundred Ten Thousand dollars (\$310,000) for procurement services, engineering, design, project management, construction and materials for repairs to the Fowler Street Bridge, including all expenses incidental and related, and further, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow such sum pursuant to M.G.L. Chapter 44, §§7 or 8 or any other enabling authority and issue bonds or notes therefor; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Chapter 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or, to take any other action relative thereto.

**Explanation/
Submitted by:**

The project was approved by the Municipal Small Bridge Program for reimbursement of up to \$500,000 towards the cost of replacing Fowler Street Bridge for design, permitting, and construction services. The request for additional funds is necessary in order to complete the project at a total cost of ~\$1,000,000 / Public Works

Recommendation: Favorable Action Finance Committee/Capital Budget Committee

ARTICLE 27:

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Ten Thousand dollars (\$10,000), or any other sum, to purchase portable radio equipment, including all expenses incidental and related; or, to take any other action relative thereto.

**Explanation/
Submitted by:**

The current radio equipment is at the end of life, unsupported by the manufacturer, and is not P25 compliant. Upton and Mendon Fire Departments worked together on an “Assistance to Firefighters Grant” request, submitted as a Regional Grant Request. Both Departments are hoping that working together will create better opportunity for a grant award of \$197,540.00. The Town’s share, if awarded, is 5% of the total, or \$9,877.00. This article request would be used to meet the grant requirements, or if the grant request is unsuccessful, begin to replace outdated, obsolete radio equipment/Fire Department

Recommendation: Favorable Action Finance Committee/Capital Budget Committee

ARTICLE 28: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Ten Thousand (\$10,000) dollars, or any other sum to replace outdated computer systems currently used by town employees, including all incidental and related expenses; or, to take any other action relative thereto.

**Explanation/
Submitted by:**

The town's new IT Service Provider has performed an inventory of current computer systems used by town employees. Several of these systems have software that will not be supported after the end of 2019 and either need to be upgraded or replaced/Technology Committee

Recommendation: Favorable Action Finance Committee

ARTICLE 29: **Withdrawn**

ARTICLE 30: **Withdrawn**

ARTICLE 31: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Five Thousand dollars (\$5,000), or any other sum, to fund necessary site development for the Municipal Community Center, including but not limited to appraisals, surveys, and environmental testing, as well as all other expenses incidental and related; or, to take any other action relative thereto.

**Explanation/
Submitted by:**

Municipal Community Center Feasibility Committee is working with an architect to develop conceptual plans for the community center. Additional funds will be needed to investigate (appraisal/surveys) potential sites for such center/ Municipal Community Center Feasibility Committee

Recommendation: Favorable Action Finance Committee

ARTICLE 32: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Five Thousand dollars (\$5,000) or any other sum, for consultants for the revitalization process, performing structural engineering assessments, hazardous materials testing, wetlands surveys, etc., of buildings or sites that present opportunities for development, and to create marketing materials and host marketing events designed to encourage business to locate in Upton, such sums to be expended under the direction of the Economic Development Committee; or, to take any other action relative thereto.

**Explanation/
Submitted by:**

The Economic Development Committee is requesting funding for activities such as engaging consultants for the revitalization process, performing structural engineering assessments, hazardous materials testing, wetlands surveys, etc. In addition, the committee would like to create marketing materials to be used to help attract businesses to Upton as well as possibly hosting an Upton Small Business Fair/ Economic Development Committee

Recommendation: Favorable Action Finance Committee

ARTICLE 33: To see if the Town will vote to accept the vision for a revitalized Upton Center developed and prepared by the Upton Center Revitalization Workgroup; or, to take any other action relative thereto.

Explanation/Submitted by: Working with a consultant, Town residents volunteered to participate in several working group sessions aimed at revitalizing Upton Center. The result of their work is a shared vision for Upton Center. By accepting this shared vision, the Town is agreeing to move forward with next steps in the process/Economic Development Committee

Recommendation: N/A

ARTICLE 34: To see if the Town will vote to authorize the Board of Selectmen to sell, lease or otherwise convey, in accordance with the provisions of M.G.L. Chapter 30B, the land and all improvements thereon, located at 3 Milford Street, shown as Assessor's Map 201-055 and all structures and appurtenances located thereon, and the land and all improvements thereon, located at 2 Grove Street, shown as Assessor's Map 201-057, for such sum or sums and upon such conditions determined by the Board of Selectmen to be in the best interests of the Town, and to authorize the Board of Selectmen to execute any and all instruments, including deeds, leases or other agreements, and take all other actions necessary or appropriate to effectuate the vote taken hereunder; or, to take any other action relative thereto.

Explanation/Submitted by: To sell 3 Milford Street, Holy Angels Church and the municipal parking lot through a competitive public bid process, in accordance with G.L. c.30B. These parcels will be sold in order to facilitate the development of the Town's center in accordance with the vision developed by the residents of Upton/Economic Development Committee

Recommendation: Favorable Action Finance Committee/Capital Budget Committee

ARTICLE 35: To see if the Town will vote to amend Title 2 Chapter 1 Sections 4 and 5 of the General By-laws with underlined text to be inserted and text to be deleted shown with strikethrough, as follows:

Section 4 Notices of every town meeting shall be given by posting printed copies of the warrant for such meeting on the Town Clerk's bulletin board at Town Hall, on the Town's official website, and in any other manner which the Board of Selectmen deems appropriate, provided, however, that inadvertent failure to post on the website, or any interruption in service to such website, shall not affect the validity of the noticed town meeting. in two or more conspicuous public places in the town of Upton, and one copy thereof shall be posted on the exterior of the Town Hall Building.

Section 5 Notice of every adjourned Town Meeting shall be posted by the Town Clerk on the Town Clerk's bulletin board at Town Hall, on the Town's official website, and in any other manner which the Board of Selectmen deems appropriate, provided, however, that inadvertent failure to post on the website, or any interruption in service to such website, shall not affect the validity of the noticed continued town meeting. in two or more conspicuous public places in the Town of Upton, one copy thereof shall be posted on the exterior of the Town Hall Building.

In addition thereto the Town Clerk may, if he or she deems it practicable, publish the same in any newspaper published in the County having a circulation in the Town of Upton.

or, to take any other action relative thereto.

**Explanation/
Submitted by:**

By amending this section, the Town Meeting warrant posting requirements are more contemporary and provide for easier public access and transparency/Board of Selectmen

Recommendation: N/A

ARTICLE 36: **Citizens Petition:** To see if the town will vote to buy down the tax rate by \$250,000.00 from free cash, stabilization funds, or any other reserve funds collected via appropriation and dedicated or reserved for emergency or unanticipated expenses.

Petitioner's Explanation/

Submitted by: The tax rate increased by eight cents per thousand of assessed value for FY19, along with the assessed values of most properties. This represents a significant increase in property taxes for FY19. Collections for FY19 resulted in surplus revenue, at least some of which should be returned to the taxpayer. / Citizens Petition Michelle Antinarelli et al.

Recommendation: Unfavorable Finance Committee

ARTICLE 37: **Citizens Petition:** To see if the town will vote to enact a reporting structure for all regular or special employees of the Town of Upton who are defined as state employees and compensated for hourly work, salaried work, or special employee, or who are otherwise described or recruited via an offer letter, agreement or contract, but excluding those elected representatives or those compensated via stipend who serve under sovereign boards. These regular employees shall report in structure and in substance to the Board of Selectmen or through its designated agent, thus aligning all regular employees under the regulatory bylaws of the Town of Upton, MA.

Petitioner's Explanation/

Submitted by: This petition seeks to name the Board of Selectmen as the peoples' representative and the authority over all Town of Upton employees as described above. Such regulatory authority protects employees of the town and seeks to further protect the town against improper acts, acts of omission, negligence and neglect, and activities for which the town currently carries liability without regulatory oversight authority/ Citizens Petition Michelle Antinarelli et al.

ARTICLE 38: **Citizens Petition:** To see if the town will vote to restructure the Recreation Commission, currently comprised of three members elected by majority vote by ballot on a rotating basis every three years. The proposed structure parallels that of most other town boards and committees, comprising a board of five members. One member shall be elected for a term of three years by majority vote by ballot. Three members shall be appointed by the Board of Selectmen and serving for three year terms on a staggered basis such that one appointment is made every year. One member shall be appointed by the Capital Improvement Committee to serve for a term of one year. This commission shall report to the Board of Selectmen., meeting oversight and regulatory processes as decreed and in line with that of other boards and commissions.

Petitioner's Explanation/

Submitted by: This petition seeks to re-align the business of the town under oversight of the Board of Selectmen, directly or through any delegated agent for the purposes of minimizing liability incurred by representatives unfamiliar with the personnel bylaws, American Disabilities Act and universal access, and safety of children participating in recreation activities sponsored and supported by the Town of Upton/ Citizens Petition Michelle Antinarelli et al.

And you are directed to serve this Warrant, by posting up attested copies thereof at the U.S. Post Office, Town Library, and Town Hall, in said Town seven days (7) at least before the time of holding said Meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this second day of April in the year of our lord two thousand nineteen.

UPTON BOARD OF SELECTMEN

A true copy, Attest:

Gary Daugherty, Chairman

Stephen A. Matellian, Member

Sandra Hakala, Constable
Date: April 3, 2019

Brett A. Simas, Member

Constable Attest Page

Worcester, ss.

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Upton by posting up attested copies of the same at the Town Hall Building, Library Building, and the Upton U.S. Post Office at least seven days (7), before the date of the meeting, as within directed

Sandra Hakala
Constable of Upton
April 3, 2019